IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the May 11th , 2006

CriminalMisc. Second Bail Application No. 393 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Bhuraj Singh Shri Nain Singh
R/o village Parbara, Patti Sunder Khal
Tehsil Dhari, District Nainital .....Applicant

Versus

State of Uttaranchal ....Opposite Party

Arising out of case crime No. 01/2005
Under Sections 376 & 392 IPC
Patti Poorvi Agar
District – Nainital

Hon'ble J.C.S. Rawat, J.

Heard Sri M. S. Pal learned counsel for the applicant and learned A.G.A. for the State.

This is the second bail application. The first bail application was rejected on merit.

Perused the second bail application. Learned counsel for the applicant contended that an FIR was lodged by the prosecutrix that she was caught by the accused on 26.01.2006 and thereafter they administered liquor to her. It was further contended that when the prosecutrix was medically examined the doctor has not found any smell of the liquor or any symptoms of administering liquor to the victim. As such, there is a contradiction in between the medical report and the evidence of victim. Learned AGA refuted the contention. The incident took place on 26.01.2006 and the medical of the girl was conducted on 29.01.2006 after a lapse of three days. It cannot be said that after a lapse of three days the smell of the liquor would remain present. There is no other fresh ground. Considering the contentions, facts and circumstances of the case, it is not a fit case for bail. Therefore, the second bail application is hereby rejected. Rejected.

(J.C.S. Rawat, J.)

Dated 11.05.2006
LSR